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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

THE CENTER FOR INVESTIGATIVE
 REPORTING,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 JUSTICE,

Defendant.

No. 3:17-cv-06557-JSC

**STIPULATION AND ~~PROPOSED~~ ORDER TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

Pursuant to Civ. L.R. 6-2 and 7-12, the Parties, through undersigned counsel, submit the following stipulation and request to continue the upcoming case management conference and associated deadlines.

1. On September 23, 2021, the Ninth Circuit issued its Order and Opinion reversing this Court’s judgment and remanding for further factual development, noting that “[t]he only question that . . . remains is whether the [Firearms Tracing System] database is currently capable of producing the information [Plaintiff] seeks in response to a search query.” ECF No. 63 at 8.

2. On June 6, 2022, the Court issued an Order Setting Case Management Conference, scheduling a case management conference for June 30, 2022 at 1:30 p.m. and ordering the Parties to

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE CMC
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1 submit a joint case management conference statement addressing how the parties wish to proceed and
2 proposing a briefing schedule. ECF No. 65.

3 3. Following the Ninth Circuit's remand decision, Defendant released additional
4 information to Plaintiff.

5 4. The Parties have met and conferred and agree that all issues relating to Defendant's
6 obligations to produce records under FOIA have been resolved, and that the only outstanding unresolved
7 issues relate to Plaintiff's claim for attorney's fees and costs.

8 5. The Parties further agree that additional time is needed so that the Parties can attempt to
9 resolve Plaintiff's claim for attorney's fees and costs without the need for further litigation. The Parties
10 believe that continuing the meet-and-confer process for this additional period is likely to be productive
11 in further narrowing the issues, and could potentially eliminate the need for further Court involvement.

12 6. Accordingly, the Parties stipulate that the case management conference should be
13 continued to September 1, 2022 at 1:30 p.m., and respectfully request that the Court order the
14 continuance.

15 7. The Parties propose to submit a joint case management statement to the Court on August
16 25, 2022, setting forth any remaining areas of dispute. If at that time the Parties have not resolved
17 Plaintiff's claim for attorney's fees and costs and no such resolution appears imminent, the Parties shall
18 include in their statement a joint proposed briefing schedule for Plaintiff's motion for attorney's fees and
19 costs.

20 IT IS SO STIPULATED.

21 DATED: June 21, 2022

Respectfully submitted,

22 STEPHANIE M. HINDS
23 United States Attorney

24 /s/ David M. DeVito*
25 DAVID M. DEVITO
Assistant United States Attorney

26 Attorneys for Defendant

27
28 * In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty
of perjury that counsel for Plaintiff has concurred in the filing of this document.

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE CMC
Case No. 3:17-cv-06557-JSC

1 DATED: June 21, 2022

THE CENTER FOR INVESTIGATIVE
REPORTING

/s/ D. Victoria Baranetsky

D. VICTORIA BARANETSKY

Attorneys for Plaintiff

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, it is hereby ordered that:

1. The Case Management Conference currently set for June 30, 2022 at 1:30 p.m. is hereby continued to September 1, 2022 at 1:30 p.m.; and
2. The Parties will provide the Court with a Joint Case Management Statement by August 25, 2022.

IT IS SO ORDERED.

14 DATED: June 23, 2022



HON. JACQUELINE SCOTT CORLEY
United States District Judge

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DECLARATION OF DAVID M. DEVITO

I, David M. DeVito, declare:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California. The matters in this declaration are based on my personal knowledge and my review of the filings in this matter.

2. I submit this declaration in support of the parties' Stipulation and [Proposed] Order to Continue Case Management Conference pursuant to Civil Local Rule 6-2(a).

3. The Parties are requesting the continuance of the case management conference, currently set for June 30, 2022, to provide them with additional time to attempt to resolve this action cooperatively without further involvement of the Court.

4. Since the Ninth Circuit's remand order dated September 23, 2021, there have been no